

REMARKS

This responds to the Office Action mailed on June 23, 2009.

No claims are amended, no claims are canceled or added; as a result, claims 16-20 remain pending in this application.

§ 103 Rejection of the Claims

Claims 16-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rotman (U.S. Patent No. 7,324,968) in view of Lettich (U.S. Publication No. 2002/0049622) and further in view of Woods (U.S. Publication No. 2002/0152174). Since a *prima facie* case of obviousness has not been properly established, Applicants respectfully traverse the rejection.

The recent U.S. Supreme Court decision of *KSR v. Teleflex* provides a tripartite test to evaluate obviousness.

The rationale to support a conclusion that a claim would have been obvious is that *all the claimed elements were known in the prior art* and one skilled in the art could have combined the elements as claimed by known methods *with no change in their respective functions*, and the combination would have yielded *nothing more than predictable results* to one of ordinary skill in the art. (See *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007), *see also* MPEP § 2143). (Emphasis added.)

Applicants will show that the cited references, singly or in combination, neither teach nor suggest all elements of Applicants' claims.

For at least the reasons set forth below, Applicants respectfully submit that the identified claims are patentable over Rotman and Lettich, in view of Woods, and are thus in condition for allowance.

Claim 16, reads, in pertinent part:

registering the sender with the shipping vendor based on the shipping information;
interacting with an on-line interface hosted by the shipping vendor, as if an individual user is directly accessing the on-line interface;

receiving shipping data pertaining to the shipment from the shipping vendor, said shipping data including data corresponding to a shipping label; and
generating and serving a web page via which the shipping label may be printed.

The Office Action alleged that “Rotman teaches a shipping system that acts as a proxy for the seller and is integrated at a payment processor.”¹ Rotman provides “methods and systems for facilitating auction-based online commerce.”² Rotman further states, “[s]uch methods and systems may include a rate engine for determining the cost of shipping an item from a location designated by a seller to a location designated by a buyer.”³ Rotman at col. 14, lines 49-61, relied upon by the Office Action describes a shipping calculator, as follows:

In embodiments, the shipping calculator 500 may be part of a larger system that offers auction management capabilities, such as tracking status, email notification of auction results, automated fulfillment of shipping, and automated notification to the parties of tracking information for shipments. For example, after an auction 100 is completed, a buyer 104 can check out and can be integrated with any payment provider (e.g., Paypal). Thus, the shipping calculator 500 can be part of an integrated commerce system. After winning the buyer can come to the system 1000 and through a checkout process that uses the shipping calculator 500 to determine the shipping charges that will apply for the transaction.⁴

As evident from the above-quoted passage, the shipping calculator may be part of a larger system that offers auction management capabilities. After winning the buyer can use the shipping calculator to determine the shipping charges that will apply for the transaction. However, neither the shipping calculator, nor the auction management capabilities listed in the passage amounts to any of the above claim elements of independent claim 1. That is, the shipping calculator disclosed in Rotman does not, for example, register the sender, interact with an on-line interface, and generating a web page, as recited in independent claim 1.

¹ Office Action, page 3

² Rotman, Summary

³ Id.

⁴ Id., col. 14, lines 49-61

The Office Action also relied on Lettich to show integration architecture that permits disparate supply chain members. Lettich in the cited passage relates to an integrated shipping and logistic services, and products as follows:

The systems and methods of the present invention integrate shipping and logistics services, operations and products that are currently provided by multiple entities into a vertical system that may be advantageously provided by a single entity to facilitate logistics operations, such as the shipping, transporting, warehousing, and distribution of products . . . provides a user . . . with "one stop" shopping for shipping and logistics services, operations and products by acting as a supply chain integrator to assemble and manage resources, capabilities, and technologies of the user's own organization with those of complementary service providers, thereby enabling manufacturers/producers and logistics service suppliers, both asset based and non-asset based,. . .⁵

According to the above passage, Lettich merely facilitates logistic operations, such as the shipping, transporting, warehousing, and distribution of products. The system of Lettich also assembles and manages resources capabilities, and technologies of the use's own organization with those of the complementary service providers. Nonetheless, the passage is totally silent with respect to the above-quoted claim elements. For example, the passage does not describe *registering the sender with the shipping vendor, or interacting with an on-line interface hosted by the shipping vendor, as if an individual user is directly accessing the on-line interface, as required by claim 16. The passage neither relates to the claim features of receiving shipping data pertaining to the shipment from the shipping vendor . . . corresponding to a shipping label, nor it describes the claim element of generating and serving a web page via which the shipping label may be printed.*

The Office Action, at page 3, conceded that "the combination of Rotman and Lettich does not teach that a shipping label is provided."⁶ Instead, it cites Woods at paragraph 0013 as teaching "generating a label and transmitting it to the entity that is shipping the product."⁷ Woods in the cited passage states:

⁵ Lettich, paragraph 0002

⁶ Office Action, page 3

⁷ Id.

In Step 350, the call-tag application 260 uses the buyer address from the merchant's call-tag request to query the carrier facility database 250 to determine which carrier facility is responsible for delivery and pickup for that the buyer address (the local carrier facility 255). In Step 360, the call-tag application 260 generates a shipping label and transmits it to the local carrier facility 255. The shipping label uses the buyer address (from the call-tag request 265) as the origination shipping address and the merchant address (from the merchant database 240) as the destination shipping address.

The above-quoted passage merely states the call-tag application generates a shipping label and transmits it to the local carrier facility. However, transmitting the shipping label to the local carrier facility does not amount to *generating and serving a webpage via which the shipping label may be printed*, as required by claim 16.

Accordingly, at least for the reasons set forth above, Rotman, Lettich, or Woods, individually or as part of any combination, fail to teach or suggest each and every element of independent claim 16. Therefore, Applicants respectfully submit that there are substantial differences between what is claimed and what the Office Action contended to be shown in the combination of Rotman, Lettich, or Woods. Because the cited documents do not show all of the elements of the claimed subject matter of the independent claim 16, as required by the *KSR* court, those differences are significant and non-obvious to a person of ordinary skill in the art at the time the application was filed. Furthermore, nothing in the disclosure of Rotman, Lettich, or Woods provides a reason for a person of ordinary skill in the art to seek to combine Rotman, Lettich, and/or Woods in the manner suggested by the Examiner. Accordingly, at least for the reasons articulated above, independent claim 16 and its dependent 17-20 are not rendered obvious by the combination and, thus, are in condition for allowance. Further, these dependent claims may also be patentable for their own limitations.

Therefore, Applicants respectfully request that the claim rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4053

Date 23 September 2009

By *Ali Mireshghi*
Ali Mireshghi
Reg. No. 58,726

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of September, 2009.

Chris Bartl
Name

C. Bartl
Signature